

MAR 2 1999

EXPRESS MAIL--  
RETURN RECEIPT REQUESTED

Ms. Jeryl Turco Maglio  
Principal  
Hudson Meadows Urban Renewal  
Development Corporation  
525 Riverside Avenue  
Lyndhurst, NJ 07071

Re: General Notice Letter and Notice of Negotiations for  
Remedial Investigation/Feasibility Study;  
Diamond Head Oil Refinery Site ("Site")  
Town of Kearny  
Hudson County, New Jersey

Dear Ms. Maglio:

As you know, the U.S. Environmental Protection Agency ("EPA") has documented the release of hazardous substances into the environment at the Diamond Head Oil Refinery Superfund Site (the "Site"), located in the Town of Kearny, Hudson County, New Jersey. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, et seq., and in response to these releases and the threat of future such releases, EPA has spent public funds and anticipates spending additional public funds.

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Site. The costs may include, but need

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not be limited to, expenditures for investigation, planning, cleanup of the Site, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Based on available information, EPA believes that your company may be a potentially responsible party with respect to this Site. Responsible parties under CERCLA include, among others, the current and past owners and/or operators of a facility from which there has been a release or threatened release of hazardous substances, as well as persons who arranged for the transport for disposal or treatment of hazardous substances owned or possessed by such persons. By this letter, EPA notifies you of your company's potential liability with regard to this matter and encourages your company voluntarily to perform or finance those response activities that EPA determines are necessary at the Site.

In accordance with CERCLA, EPA has already undertaken certain actions and incurred costs in response to conditions at the Site. EPA has performed sampling of the soil, sediment, and surface water at the Site. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

As you are aware, the Site has been evaluated for listing on the National Priorities List. EPA is prepared to proceed with listing activities. However, you have expressed a desire to commence site investigation and cleanup activities prior to, or potentially as an alternative to, EPA's listing the Site on the NPL.

At a minimum, EPA is planning to conduct the following studies at the Site:

1. A Remedial Investigation (RI) to identify the nature and extent of the release and threatened release. The goals of this investigation may include:
  - a) identification of local hydrogeological characteristics to evaluate ground water quality and movement in the vicinity of the Site;
  - b) determination of the extent of soil, air, sediment, and surface water contamination at the Site.
2. A Feasibility Study (FS) to evaluate possible remedial actions to remove or contain hazardous substances at the Site.

In addition to the above studies, corrective measures may be necessary to protect health, welfare or the environment. These corrective measures may include, but are not limited to:

1. Implementation of initial remedial measures or additional removal actions, e.g., securing the Site to prevent human

contact with hazardous or toxic substances, and/or removal of contaminated material;

2. Design and implementation of the EPA-approved remedial action for addressing any ground water, surface water, soil and air contamination.
3. Any monitoring and maintenance necessary after remedial measures have been completed.

By this letter, EPA wishes to determine whether you will voluntarily finance or perform the RI/FS for the Site. Please advise EPA in writing, within twenty (20) days of the date of this letter, if you are willing to enter into good faith negotiations to perform or finance the aforementioned actions at the Site. Your response should be sent to:

Clay Monroe  
Assistant Regional Counsel  
New Jersey Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, NY 10007-1866

with a copy to:

Grisell V. Díaz-Cotto  
Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
New Jersey Remediation Branch  
290 Broadway, 19th floor  
New York, New York 10007-1866.

Your response must include must include the following elements:

1. A statement of the Potentially Responsible Party's (PRP's) willingness to conduct or finance the EPA approved RI/FS, including reimbursement of costs associated with third party oversight of the RI/FS;
2. The PRP's comments, if any, on EPA's draft administrative order on consent (enclosed);
3. A demonstration of the PRP's technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process the PRP will use to select the firm(s);
4. A demonstration of the PRP's ability to finance the necessary response actions;

5. The name, address, and phone number of the individual(s) who will represent the PRP in negotiations.

If we do not hear from you by the end of the twenty-day period referenced above, we will assume that you decline to participate in the voluntary RI/FS actions. If you do not volunteer to perform the RI/FS action, EPA will proceed with activities which may result in inclusion of the Site on the National Priorities List.

Any agreement by the PRP to conduct the RI/FS must be memorialized in an administrative order on consent under CERCLA. A draft of the consent order is enclosed herewith. Please note that many of the provisions of the consent order are nationally consistent boiler-plate provisions that the United States does not plan to negotiate. EPA intends to complete negotiations of this consent order within sixty (60) days of your receipt of this letter.

You will note that the attached administrative order on consent includes provisions regarding the payment of EPA's past costs at the Site. EPA has incurred at least \$17,093.45 in past costs as of January 9, 1999 and continues to incur costs. The costs incurred by EPA with respect to the Site are charged to the Hazardous Substance Superfund, established pursuant to 26 U.S.C. § 9507 and administered by EPA. As a PRP, you are potentially jointly and severally liable for EPA's costs, plus interest. Demand is hereby made for payment of EPA's costs.

Please contact Mr. Clay Monroe at (212) 637-3142 if you wish to discuss these matters in further detail or if you have any questions regarding this letter.

We appreciate your immediate attention to this matter.

Sincerely yours,

Richard L. Caspe, Director  
Emergency and Remedial Response Division

Enclosures

cc: Laurie Singer, Esq.  
Lisa Rosman, NOAA  
Andrew Raddant, U.S. Department  
of Interior  
Bruce Venner, New Jersey Department  
of Environmental Protection

bcc: Grisell V. Díaz-Cotto, ERRD/NJRB  
Clay Monroe, ORC/NJSUP